



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 10/19/00
Agenda Item 2

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner

SUBJECT: Referral by Planning Director of Administrative Use Permit No. 00-150-28 – Whalen & Company [Bonnie Medina-Jawad] for Metricom (Applicant), PG&E (Owner) - Request to Attach a Telecommunication Antenna Facility to a PG&E Transmission Tower.

The property is located at 1620 Highland Boulevard northerly side at the point just before the street closure and barricade structure accessed from Mission Boulevard in a A (Agricultural) District.

RECOMMENDATION

It is recommended that the Planning Commission find that the project is exempt from environmental review, and approve the project subject to the attached findings and conditions.

DISCUSSION

Area and Land Description

The area along Highland Boulevard is developed with single-family homes. Highland Boulevard is a narrow street and while passing from Mission Boulevard to Campus Road and beyond to University Court, it is barricaded just beyond the location of the tower to prevent through traffic to the State University. Highland Boulevard residences located on the easterly side of the barricade have their access from Campus Drive.

The PG&E transmission tower on which the antenna is to be mounted is within property owned by the utility company and is undeveloped except for the tower. The transmission corridor is approximately 200 feet wide with the tower being located 30 feet from the street and to within approximately 65 feet of the residence along the west property line. The closest home east of the transmission tower is approximately 150 feet away. The tower is generally located at the crest of the hill, and therefore, the structure is highly visible to an extended area beyond the immediate neighborhood. The base of the tower is 30 feet square. The property is only partially enclosed by a 6-foot-high chain-link fabric and solid wood board fence that is located between property and the adjacent residence along the westerly property line and where abutting the residence to the far easterly side. The balance of the property appears to be unfenced where the land drops off into the heavy underbrush and trees of the canyon to the north.

Proposed Development by Applicant

Metricom proposes the installation of a telecommunication antenna facility to be attached to a PG&E transmission tower. The antennas are to be mounted near the top of the tower above the power lines. The overall height of the tower is 79 feet-6 inches. Four sectors of panel antennas (for a total of eight antennas), each measuring 3 feet in height, are to be mounted at the corners of the tower. The antenna panels and support structures will be painted to match the tower. In staff's opinion, most individuals will not readily discern the difference between a standard PG&E transmission tower and one with the proposed antenna mounted thereon.

In conjunction with the antenna array is the need for equipment storage on the property. A concrete pad (10 feet by 10 feet) will be placed under the center of the tower to mount 3 steel cabinets (4 feet-10 inches long by 2 feet-8 inches wide) each that house the radio equipment and power supplies. The cabinets will be approximately 4 feet high. The pre-manufactured equipment cabinets are self-contained and can be painted to lessen their presence. An 8-foot-high wood-slatted fence will enclose the cabinet area.

After construction is complete, the site will be visited once a month for routine maintenance purposes. Each Metricom facility is monitored 24 hours/day, electronically, for intrusion and environmental disruption. The facility will also contain a small sign identifying an "800" number to call in case of an emergency. The "800" number is manned 24 hours/day by Metricom employees. The sign also identifies the site as a Metricom facility and complies fully with all FCC regulations regarding signage at the facility.

Metricom, Inc. is a provider of mobile data networking and technology. Metricom's wireless technology operates under the name Ricochet@. Ricochet is a network that enables high speed, wide area access to on-line services, the Internet, LAN applications, and peer devices. The wireless mobile information access service allows people to work outside the confines of their office and operates from anywhere in coverage areas without being bound to wall jacks.

In regards to television/radio interference, Metricom's mobile data networking and technology system is an extremely low-power facility, employing only a small fraction of the power used by television and radio broadcasters. Metricom is licensed by the FCC to operate specifically within a certain band frequency thereby eliminating any potential interference with radio or television transmission reception in the area.

This application may be acted on by staff. However, because of concerns expressed by area residents from the initial referral, the Planning Director is referring the application to the Planning Commission in order to hear public testimony before taking action on the proposal. The proposed facility follows the intent of the Antenna and Telecommunications Facilities Ordinance of the City within residential areas by placing the antenna on an existing structure to reduce its visual impact.

Environmental Review

The proposed antenna and equipment cabinets produce no noise, smoke, odors or refuse. They do not present a safety hazard, and create minimal vehicular traffic (typically one vehicle per

month.) Operation of the facility will not conflict with other uses in the area, and construction will result in minimal disturbance to the surrounding area. The system developed by Metricom is an extremely low-power use, employing only a small fraction of the power used by television and radio broadcasters. Metricom is licensed by the FCC to operate specifically within the 902-928 Megahertz frequency band thereby eliminating any potential interference with radio or television transmission reception in the area.

The Metricom facility meets all state and federal regulations for emission of non-ionized radiation emissions. All antenna facilities (including radio and television broadcasting, microwave and cellular communications, ham radios, police radar) emit a small amount of non-ionizing radio frequency radiation ("RF,"). This form of microwave energy is low in power and cannot ionize, or alter, the molecular structure of living tissue. The federal government (FCC) has legislated that they will be solely responsible for the health aspect of all licenses that they issue and that state or local governments cannot deny a permit based on health issues. The only review powers that have been given to local government, is their review of the placement, design, and construction of these facilities.

The proposed Metricom facility will result in no significant impact to the environment or to the area in which it is located. Staff believes that the project should be considered exempt under the California Environmental Quality Control Act (CEQA) under Section 15303, Class 3, New Construction or Conversion of Small Structures or Section 15332 Class 32 (In-fill Development Projects). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures.

Public Notice

On October 6, 2000, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mission-Foothills Neighborhood Task Force members. An earlier mailed notice provided an opportunity for persons to comment on the project at the early stages of the submittal. Staff has received comments from several residents in the neighborhood who have expressed concern regarding health risks of living with the overhead transmission Pines, the extreme eye sore the facility would create and potential fire danger if a natural disaster or accident happens. One household believes that the City should adopt an underground-only wire policy (see attached email message).

On October 10, 2000, a Neighborhood Informational Meeting was held to provide interested parties an opportunity to meet the applicant, to review plans of the telecommunication facility, and to ask questions and obtain answers to their specific concerns. In attendance at the meeting were the applicant and three company engineers and a City staff member. No interested neighbors or public attended the meeting.

CONCLUSION

Staff recommends approval of the use permit to allow the telecommunications facility and believes it to be consistent with the adopted Antenna and Telecommunications Facilities Ordinance. Staff believes that the proposed antenna being co-located on an existing tower provides a beneficial

service to the community without the need to erect a separate tower or support structure. While the existing transmission tower is not deemed attractive, the installation of the facility on the tower will not be that noticeable or have a significant negative visual impact to the neighborhood or surrounding area.

Prepared by :



Sheldon R. McClellan
Senior Planner

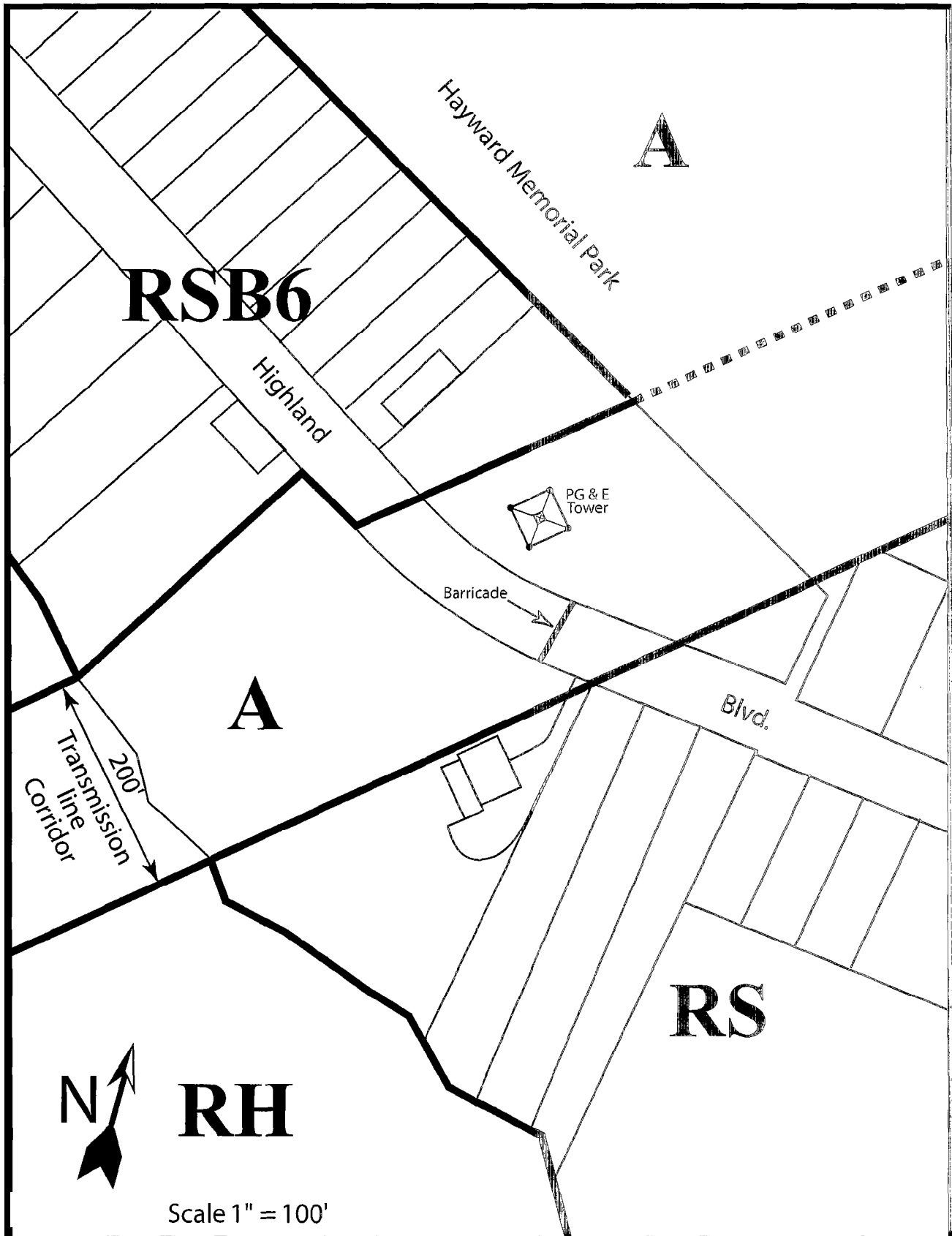
Recommended by :



Dyana Anderly, AICP
Planning Manager

Attachments :

- A Area Map
- B Findings for Approval
- C Conditions of Approval
- D Email from Jahanghirs
Development Plans & Photo Simulation

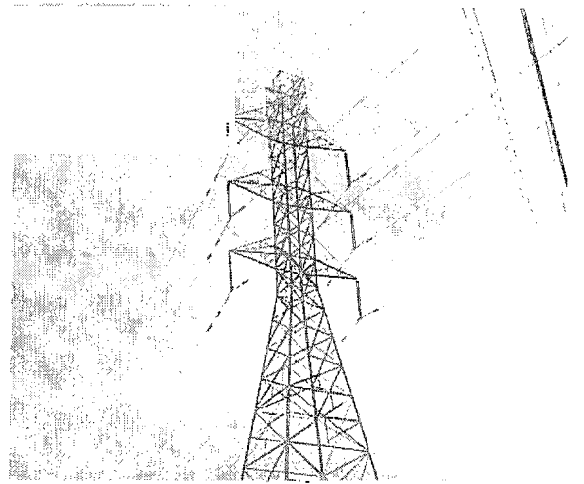
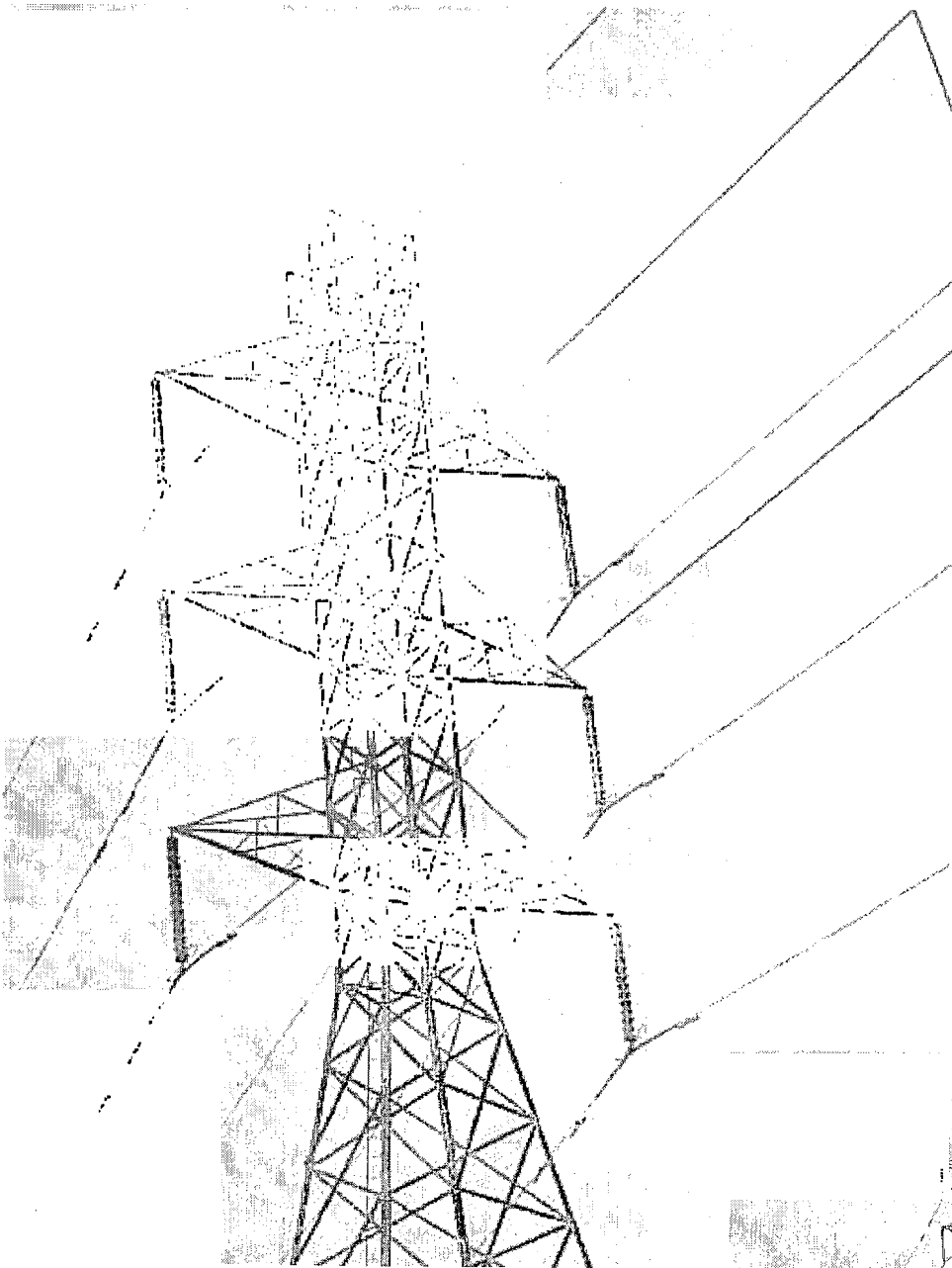


Area & Zoning Map / Permit AUP-00150-28

1620 Highland Blvd.

PG & E (Owner) / Metric-cm (Applicant)

ATTACHMENT A



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FINDINGS FOR APPROVAL

Administrative Use Permit No. 00-150-28
Whalen & Company for Metricom (Applicant)
PG&E (Owner)

1620 Highland Boulevard

Request to construct and operate a telecommunications facility from property developed with a PG&E transmission tower.

- A. That approval of Administrative Use Permit No. 00-150-28, as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgement and is exempt from CEQA review because of the small size of the proposed telecommunications facility; and.
- B. That the proposed telecommunications facility will not impair the character and integrity of the Agricultural District on which the antenna is to be placed or the adjacent Single-Family Residential District or surrounding area in that the PG&E transmission tower is existing and that no new pole or support tower is needed to anchor the antennas. Furthermore, the number of telecommunications facilities in the area can be limited by ordinance (Article 13 of Chapter 10 of the Hayward Municipal Code) which spaces such towers out for visual purposes, and
- C. The proposed antenna facility will not be detrimental to me public health, safety or general welfare in that the telecommunications antennas will be conditionally approved to properly regulate the operating procedures and activities associated with the use, and
- D. That the proposed use is permitted subject to an use permit approval and that the use as proposed is consistent with the General Plan and applicable City regulations adopted under the City of Hayward Municipal Code (Article 13 of Chapter 10/Antenna and Telecommunications Facilities Ordinance), and
- E. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA). The project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures) or 11533% (In-Fill Development Projects), Class 32.

CONDITIONS OF APPROVAL

Administrative Use Permit No. 00-150-28
Whalen & Company for Metricom (Applicant)
PG&E (Owner)

1620 Highland Boulevard

Request to construct and operate a telecommunications facility from property developed with a PG&E transmission tower.

1. The proposed application (Administrative Use Permit Application No. 00-150-28) to install a wireless data transfer cabinet and related antennas to be mounted on an existing PG&E transmission tower, shall operate according to these conditions of approval and the plans approved by the Planning Commission on October 19, 2000, labeled Exhibit "A." This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.
2. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
3. Applicant shall apply for all necessary building permits from the Building Division. All structures and antenna improvements shall be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.
4. All facility equipment other than antennas shall be contained entirely within the equipment cabinets. No storage of materials, equipment or supplies shall be permitted outside of the cabinets.
5. The support members for the antennas shall be painted a neutral background color (Bright non-reflective gray or other approved color) that best matches the P.G.&E. transmission tower structure. The color shall be approved by the Planning Director prior to the issuance of a building permit.
6. The equipment cabinets, to be located under the base of the transmission tower, shall be painted a flat, dark green or other color approved by the Planning Director.
7. Prior to issuance of a building permit, the applicant shall provide a Letter of credit, bond, or other instrument which the City Engineer deems sufficient to secure 150 percent of the estimated cost of removing the applicant's antenna and other telecommunications facilities

and restoring the site to its condition before installation of such facility when such antenna or other facility is relocated, terminated, or abandoned.

8. Unless a new permit is issued within 180 days thereafter, all improvements installed including their foundation shall be removed from the property and the site restored to its natural pre-construction state within 180 days of permit expiration, revocation or abandonment.
9. The applicant shall provide notification to the Planning Director upon cessation of operations, or expiration of its permit, subject to the determination of Planning Director that the use of the site has ceased for a period of six months. Should the owner fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
10. Any future replacement or reinstallation of structures or equipment at this telecommunication facility shall be subject to the requirements and standards of the City of Hayward at that time.
11. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
12. The transmission tower shall provide sufficient anti-climbing and security measures into the facility as needed to reduce potential for unauthorized access, vandalism, or injury. The design of any fencing and/or security system shall be approved by the Planning Director prior to issuance of a building permit.
13. The applicant shall provide signage on the equipment shelter, including phone numbers of emergency contact persons, in case of an emergency for the facility.
14. The applicant shall be responsible for graffiti-free maintenance of the telecommunications facilities, and shall remove any graffiti within seven days of occurrence of City notification.
15. Noise levels from the operation of internal fans or other related cabinet equipment shall not exceed 65 dba or the background noise level originating from Highland Boulevard. If it comes to the attention of the Planning Director that there are problems occurring as a result of the shelter fans or other related noise, the Director may bring this use permit application to the Planning Commission for consideration of imposing additional conditions or restrictions or for revocation.
16. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Calling Form:- City of Hayward Website Guest Book
Addressee: Dyanna Anderly
User Name: Yasmin, Musa, Hyaan & Rehaan Jahanghir
Telephone: (510)881-0617
US Mail: 1620 Highland Blvd. Hayward, CA 94542
Comments: Dear Ms. Anderly

I have been a resident of Hayward for
16 years, and have lived in the Hayward
Hills for the past 6 years. We believe
the beauty of the Hayward Hills is rare
in the Bay Area and it should be
preserved. This is why we moved here
from the over populated Sunnyvale,
where we are both Engineers. We are
strongly opposing the proposed
telecommunications antenna, because we
have too many health risks by having
all these wires over head also it is a
extreme eye sore and fuel if a natural
disaster or accident happens involving
a fire. I believe Hayward should adopt
an underground only wire policy like
many other cities have done. My
neighbor who is also my brother and a
doctor and his wife who is a attorney

(1624)has done much research and all
the findings are very unclear and only
time will tell what all the effects of
all this radiation will have on our
bodies and we don't want to be the
experimental animals.

Thank you

The Jahanghirs

ATTACHMENT D